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| EXAMINER |
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BASIT, ABDUL

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04/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/710,779 | Applicant(s) THOMAS ET AL. | |
| | Examiner ABDUL BASIT | Art Unit 3694 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/1/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's Request for Continued Examination (RCE).

Priority of Application

Applicant has indicated that this application obtains, via a chain of applications, a priority date from Provisional Application Number 60279817. An analysis of the provisional application indicates no specific disclosure of the claim recitations regarding a savings scheme based upon an individual's monthly budget and debt obligations. Further, these features are not present in Application Number 10010947. Applicant is requested to clarify as to which portion of the claim language has the priority date of the provisional application or is later on in the chain of applications.

For the purposes of the examination, the priority date of 8/4/2004 will be used.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vetter (US Pat. No. 5,716,211) in view of King (US Pat. No. 5,319,542) and in view of Wardin (US Pat. Pub. No. 2001/0011240)

Response to Applicant's Remarks in Previous Action

Applicant asserts that Vetter does not teach "user debt information related to existing user debts to payees." Further, Applicant asserts that Vetter does not teach a recommendation for a minimizing debt payments and maximizing user savings. Further, Applicant asserts that Vetter does not disclose a payment hierarchy that allocates funds to a user savings account and a portion towards user debts. Based on an analysis of Vetter, the Office respectfully disagrees.

Vetter discloses a system/apparatus for placing funds in different budgetary accounts. According to Merriam Webster online dictionary (www.merriam-webster.com), debt is defined as "something owed." Further, budget is defined as "a statement of the financial position of an administration for a definite period of time based on estimates of expenditures during the period and proposals for financing them;" budgetary is the adjective. Thus, Vetter teaches an account that is based upon expenditures which suggests something owed. Expenditures, or debts, can be past, current or even future. Since the claim language of debt is broad, Vetter discloses "user debt information related to existing user debts to payees."

Further, budgetary, as previously discussed, suggests a financial position and thus teaches "minimizing debt payments and maximizing user savings."

Additionally, Vetter discloses a payment hierarchy that allocates funds to a user savings account and a portion towards user debts. Since Vetter discloses a budgetary account that takes into consideration debts and savings, Vetter also suggests a hierarchy that determines allocation. According to col. 2, lines 25-60, Vetter discloses its invention to calculate amounts for different budgetary accounts based on pre-selected percentages based on each account's purpose (also see col. 2, lines 12-20). Since each account has a different percentage, this implies an order and thus a hierarchy of allocation of funds.

Finally, the Applicant asserts that the King reference cannot be combined with Vetter, because the Vetter teaches a savings apparatus and King teaches a computer network.

Vetter discloses a savings apparatus that utilizes software and computer hardware; King discloses a feature that allows for updating data. Since it would be obvious to one of ordinary skill in the art at the time of the invention to upload data using a device that contains software and computer hardware, the two references can be used in a 103 rejection.

Regarding claim 1:

Vetter teaches a method of allocating income to a user savings account and to payees and monitoring purchasing activity of a consumer, said method including: wherein said recommendation includes determining, by a computer-based system for maximizing savings and based upon user savings goal information and user income

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information, a savings amount for transferring to a user savings account, wherein said savings amount is at least a portion of user income, and wherein user financial information comprises said user savings goal information, user debt information, user budget information and said user income information; *(see at least col. 2 and 3 generally)*

analyzing, by said computer-based system, said user debt information to determine a plurality of outstanding debt payments; *(see at least col. 2 and 3 generally)*

determining, by said computer-based system, a plurality of penalties by analyzing, for each of said plurality of outstanding debt payments, *(see at least col. 2 and 3 generally)*

determining, by said computer-based system and in response to said transferring said savings amount, a payment hierarchy based upon said savings amount, said plurality of penalties and at least one of: said payment information, said user savings goal information and said user income information, wherein said payment hierarchy minimizes said plurality of penalties; and *(see at least col. 2 and 3 generally)*

King, not Vetter, teaches obtaining, by said computer-based system, purchase data from a retailer system, wherein, accessing a remote processor to standardize said purchase data is correlated to a budget item within said user budget information with an actually purchased item; and reconciling said user budget information. *(see col. 2, lines 40-56)*

Wardin, not Vetter teaches a penalty associated with at least one of a payment amount and a payment timing; *(see at least paragraphs 13-14 which teach a late fee based on when a payment is made)*

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Vetter with King and Wardin. Motivation to modify exists because using a budgeting system with real data, using a computer network, would provide a better method of allocating and understanding one's budget and it would be obvious to try. Further a penalty associated with a payment would be use of a known technique.

Regarding claim 2: Cancelled

Regarding claim 3:

Vetter teaches allocating funds for said budget item. (*see col. 2 generally*)

King, not Vetter, teaches that for the method of claim 1, herein establishing further comprising establishing and storing said budget item by budget information further accessing a remote processor to select a said budget item; (*see col. 2, lines 40-56 and Fig. 1*)

receiving a standard identifier for said budget item; storing said standard identifier; and allocating funds for said budget item. (*see col. 2, lines 40-56 and Fig. 1*)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Vetter with King. Motivation to modify exists because using a budgeting system with real data would provide a better method of allocating and understanding one's budget and it would be obvious to try.

Regarding claim 4:

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King, not Vetter, teaches that for the method of claim 1, wherein said budget item is selected by designating one of a product category and a specific product. (*see col. 2, lines 40-56 and Fig. 1*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Vetter with King, because common knowledge indicates that an item can be designated in a product category and it would be obvious to try.

Regarding claim 5:

King, not Vetter, teaches or suggest that for the method of claim 3, wherein said standard identifier is one of a retailer ID and a manufacturer item identifier. (*see col. 2, lines 40-56 and Fig. 1*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Vetter with King, because common knowledge indicates that an item can be designated in a product category and it would be obvious to try.

Regarding claims 10 and 11: See Claim 1

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vetter in view of King and in further view of Wardin and in further view of Hendrick (US Pat. Pub. No. 2005/0077348)

Regarding claim 6:

Hendrick, not Vetter, teaches that for the method of claim 1, wherein uploading purchase data comprises using a device which includes a smart-chip. (*see paragraphs 28-32 which teach a device that has a smart chip that can obtain data*)

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Vetter with Hendrick. Motivation to modify exists because it would have been obvious to try to use a device to upload data.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vetter (US Pat. No. 5,716,211) in view of King and in further view of Wardin and in further view of Hardgrave (US Pat. No. 6,010,239)

Regarding claim 7:

Hardgrave, not Vetter, teaches that for the method of claim 6, wherein said device comprises one of a smartcard and a transponder. (see col. 5, lines 29-46)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Vetter with Hardgrave, because transponders/smartcards are common methods of transferring information and it would be obvious to try.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vetter (US Pat. No. 5,716,211) in view of King and in further view of Wardin and in further view of Foladare (US Pat. No. 5,914,472)

Regarding claim 8:

Foladare, not Vetter, teaches that for the method of claim 1, further comprising alerting at least one of a consumer and a third-party when a budget reconciliation determines that one of over-spending or under-spending has occurred. (*see abstract, and col. 2, lines 15-55*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Vetter with Foladare. Motivation to modify exists because

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preventing budget issues allows for lower fees and charges for customers and merchants and it would be obvious to try.

Regarding claim 9: Cancelled

5. Alternatively, claims 1, 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfberg (US Pat. No. 5,745,706) in view of King and in view of Wardin.

Regarding claim 1:

Wolfberg teaches a method of allocating income to a user savings account and to payees and monitoring purchasing activity of a consumer, said method including: wherein said recommendation includes determining, by a computer-based system for maximizing savings and based upon user savings goal information and user income information, a savings amount for transferring to a user savings account, wherein said savings amount is at least a portion of user income, and wherein user financial information comprises said user savings goal information, user debt information, user budget information and said user income information; *(see at least the following: col. 4, lines 40-65 that teach a system that includes a spending account and various other types of savings accounts; col. 5, lines 1-20 teaches different types of transactions such as credit cards and invoices; and col. 8, lines 6-50 teaches monitoring the account and*

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determining that the account is within spending and investing guidelines)

analyzing, by said computer-based system, said user debt information to determine a

plurality of outstanding debt payments; (see at least the following: col. 4, lines 40-65

that teach a system that includes a spending account and various other types of savings

accounts; col. 5, lines 1-20 teaches different types of transactions such as credit cards

and invoices; and col. 8, lines 6-50 teaches monitoring the account and determining that

the account is within spending and investing guidelines)

determining, by said computer-based system, a plurality of penalties by analyzing, for

each of said plurality of outstanding debt payments, (see at least the following: col. 4,

lines 40-65 that teach a system that includes a spending account and various other

types of savings accounts; col. 5, lines 1-20 teaches different types of transactions such

as credit cards and invoices; and col. 8, lines 6-50 teaches monitoring the account and

determining that the account is within spending and investing guidelines)

determining, by said computer-based system and in response to said transferring said

savings amount, a payment hierarchy based upon said savings amount, said plurality of

penalties and at least one of: said payment information, said user savings goal

information and said user income information, wherein said payment hierarchy

minimizes said plurality of penalties; and (see at least the following: col. 4, lines 40-65

that teach a system that includes a spending account and various other types of savings

accounts; col. 5, lines 1-20 teaches different types of transactions such as credit cards

and invoices; and col. 8, lines 6-50 teaches monitoring the account and determining that

the account is within spending and investing guidelines)

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King, not Wolfberg, teaches obtaining, by said computer-based system, purchase data from a retailer system, wherein, accessing a remote processor to standardize said purchase data is correlated to a budget item within said user budget information with an actually purchased item; and reconciling said user budget information. (*see col. 2, lines 40-56*)

Wardin, not Wolfberg, teaches a penalty associated with at least one of a payment amount and a payment timing; (*see at least paragraphs 13-14 which teach a late fee based on when a payment is made*)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wolfberg with King and Wardin. Motivation to modify exists because using a budgeting system with real data, using a computer network, would provide a better method of allocating and understanding one's budget and would have been obvious to try. Further a penalty associated with a payment would be use of a known technique.

Regarding claim 2: Cancelled

Regarding claim 3:

Wolfberg teaches allocating funds for said budget item. (*see col. 4, lines 40-65 and col. 5, lines 1-10 that teach a system that includes budget items and the associated transactions*)

King, not Wolfberg, teaches that for the method of claim 1, herein establishing further comprising establishing and storing said budget item by budget information further

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accessing a remote processor to select a said budget item; (*see col. 2, lines 40-56 and Fig. 1*)

receiving a standard identifier for said budget item; storing said standard identifier; and allocating funds for said budget item. (*see col. 2, lines 40-56 and Fig. 1*)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wolfberg with King. Motivation to modify exists because using a budgeting system with real data would provide a better method of allocating and understanding one's budget and would have been obvious to try.

Regarding claim 4:

King, not Wolfberg, teaches that for the method of claim 1, wherein said budget item is selected by designating one of a product category and a specific product. (*see col. 2, lines 40-56 and Fig. 1*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wolfberg with King, because common knowledge indicates that an item can be designated in a product category and would have been obvious to try.

Regarding claim 5:

King, not Wolfberg, teaches or suggest that for the method of claim 3, wherein said standard identifier is one of a retailer ID and a manufacturer item identifier. (*see col. 2, lines 40-56 and Fig. 1*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wolfberg with King, because common knowledge

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indicates that an item can be designated in a product category and would have been obvious to try.

Regarding claims 10 and 11: see Claim 1

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfberg in view of King and in further view of Wardin and in further view of Hendrick (US Pat. Pub. No. 2005/0077348)

Regarding claim 6:

Hendrick, not Wolfberg, teaches that for the method of claim 1, wherein uploading purchase data comprises using a device which includes a smart-chip. (*see paragraphs 28-32 which teach a device that has a smart chip that can obtain data*)

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfberg in view of King and in further view of Wardin and in further view of Hardgrave (US Pat. No. 6,010,239)

Regarding claim 7:

Hardgrave, not Wolfberg, teaches that for the method of claim 6, wherein said device comprises one of a smartcard and a transponder. (see col. 5, lines 29-46)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wolfberg with Hardgrave, because transponders/smartcards are common methods of transferring information and would have been obvious to try.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfberg in view of King and in further view of Wardin and in further view of Foladare (US Pat. No. 5,914,472)

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Regarding claim 8:

Foladare, not Wolfberg, teaches that for the method of claim 1, further comprising alerting at least one of a consumer and a third-party when a budget reconciliation determines that one of over-spending or under-spending has occurred. (*see abstract, and col. 2, lines 15-55*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wolfberg with Foladare. Motivation to modify exists because preventing budget issues allows for lower fees and charges for customers and merchants and would have been obvious to try.

Regarding claim 9: Cancelled

6. Alternatively, claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Official Notice in view of King.

Regarding claim 1:

Official Notice is taken that it is well known that a plan that takes into consideration debt, budgetary and saving issues. Further, Official Notice is taken that one would analyze payments and their hierarchy to determine payments. Official Notice is also taken that such a plan can be implemented on a computer.

King, not Wolfberg, teaches obtaining, by said computer-based system, purchase data from a retailer system, wherein, accessing a remote processor to standardize said purchase data is correlated to a budget item within said user budget information with an

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actually purchased item; and reconciling said user budget information. (*see col. 2, lines 40-56*)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wolfberg with Official Notice. Motivation to modify exists because using a budgeting system with real data, using a computer network, would provide a better method of allocating and understanding one's budget and would have been obvious to try.

Regarding claim 2: Cancelled

Regarding claim 3:

Official Notice teaches allocating funds for said budget item.

King, not Official Notice, teaches that for the method of claim 1, herein establishing further

comprising establishing and storing said budget item by budget information further accessing a remote processor to select a said budget item; (*see col. 2, lines 40-56 and Fig. 1*)

receiving a standard identifier for said budget item; storing said standard identifier; and allocating funds for said budget item. (*see col. 2, lines 40-56 and Fig. 1*)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Official Notice with King. Motivation to modify exists because using a budgeting system with real data would provide a better method of allocating and understanding one's budget and it would be obvious to try.

Regarding claim 4:

King, not Official Notice, teaches that for the method of claim 1, wherein said budget item is selected by designating one of a product category and a specific product. (*see col. 2, lines 40-56 and Fig. 1*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Official Notice with King, because common knowledge indicates that an item can be designated in a product category and it would be obvious to try.

Regarding claim 5:

King, not Official Notice, teaches or suggest that for the method of claim 3, wherein said standard identifier is one of a retailer ID and a manufacturer item identifier. (*see col. 2, lines 40-56 and Fig. 1*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Official Notice with King, because common knowledge indicates that an item can be designated in a product category and it would be obvious to try.

Regarding claims 10 and 11: See Claim 1

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Official Notice in view of Hendrick (US Pat. Pub. No. 2005/0077348)

Regarding claim 6:

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Hendrick, not Official Notice, teaches that for the method of claim 1, wherein uploading purchase data comprises using a device which includes a smart-chip. (*see paragraphs 28-32 which teach a device that has a smart chip that can obtain data*)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Official Notice with Hendrick. Motivation to modify exists because it would have been obvious to try to use a device to upload data.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Official Notice (US Pat. No. 5,716,211) in view of Hardgrave (US Pat. No. 6,010,239)

Regarding claim 7:

Hardgrave, not Vetter, teaches that for the method of claim 6, wherein said device comprises one of a smartcard and a transponder. (see col. 5, lines 29-46)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Official Notice with Hardgrave, because transponders/smartcards are common methods of transferring information and it would be obvious to try.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Official Notice (US Pat. No. 5,716,211) in view of Foladare (US Pat. No. 5,914,472)

Regarding claim 8:

Foladare, not Official Notice, teaches that for the method of claim 1, further comprising alerting at least one of a consumer and a third-party when a budget reconciliation determines that one of over-spending or under-spending has occurred. (*see abstract, and col. 2, lines 15-55*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Official Notice with Foladare. Motivation to modify

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exists because preventing budget issues allows for lower fees and charges for customers and merchants and it would be obvious to try.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDUL BASIT whose telephone number is 571-272-5506. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ab

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694

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